

IC 8-2-18

Chapter 18. Intrastate Railroad Freight Rates

IC 8-2-18-1

Statements to patrons; offenses; civil damages

Sec. 1. (a) Every common carrier doing intrastate business within Indiana shall, within a reasonable time, give a written statement of the rate applicable to a described shipment between stated points in Indiana under the schedules or tariffs of the carrier, upon written request by a person who is a bona fide prospective shipper or receiver of freight, or who has a bona fide interest therein, made upon a general or local freight or station agent of the carrier.

(b) If a carrier refuses or omits to give a statement under subsection (a) within a reasonable time, or misstates in writing the applicable rate, and the person, firm, limited liability company, or corporation making the request suffers harm in consequence of the refusal, omission, or misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route or through entering into a sale, purchase, or contract by which the person, firm, limited liability company, or corporation is or becomes obligated to make or receive a shipment of freight, the carrier is liable to a penalty of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250), which accrues to the state.

(c) The fine under subsection (b) may be recovered, together with reasonable attorney's fees, in a civil action by the Indiana department of transportation.

(d) In addition to being liable to the Indiana department of transportation, a carrier is liable to the person, firm, limited liability company, or corporation injured for the amount of the injury, together with six percent (6%) interest from the date of the injury and reasonable attorney's fees.

(e) Liability under this section is not discharged by the carrier unless the discharge is approved by the Indiana department of transportation as being free from any attempt or purpose to evade a law of this state.

(f) If during the course of any action upon the liability to the person injured it appears to the satisfaction of the court or jury trying the cause that the parties have combined or agreed to obtain or allow any undue advantage or rebate or preference to the injured person, upon a finding to that effect, the cause shall be dismissed and the dismissal and finding reported by the court to the Indiana department of transportation and to the proper prosecuting attorney having jurisdiction.

(Formerly: Acts 1911, c.184, s.1.) As amended by P.L.59-1984, SEC.114; P.L.384-1987(ss), SEC.9; P.L.18-1990, SEC.30; P.L.8-1993, SEC.133.

IC 8-2-18-2

Appeals

Sec. 2. Such dismissal shall be taken and deemed a final judgment, and appeal may be taken therefrom or from any other judgment in any such cause the same as in other civil cases.
(Formerly: Acts 1911, c.184, s.2.)

IC 8-2-18-3

Penalties or forfeitures; double jeopardy

Sec. 3. No carrier making any settlement or payment upon the approval of the said commission or pursuant to a judgment or order of court under this chapter shall be liable for any penalty or forfeiture or subject to any prosecution under any other law of this state on account of the said payment or settlement.
(Formerly: Acts 1911, c.184, s.3.) As amended by P.L.59-1984, SEC.115.

IC 8-2-18-4

Submission of information

Sec. 4. The Indiana department of transportation may require from a person, firm, limited liability company, or corporation any information necessary to the determination of whether the department shall give its approval to a claim under this chapter. If a request for information is refused by the injured person, the department may decline the claim, and the claim shall not be sued upon thereafter. If the information is refused, a request for information evaded, or the search for information by the department be made difficult by the carrier, the department shall endorse the fact on the claim and the endorsement shall support any action as if approved by the department.
(Formerly: Acts 1911, c.184, s.4.) As amended by P.L.384-1987(ss), SEC.10; P.L.18-1990, SEC.31; P.L.8-1993, SEC.134.